



January 23, 2015

HOUSE BILL No. 1101

DIGEST OF HB 1101 (Updated January 21, 2015 2:36 pm - DI 103)

Citations Affected: IC 5-28.

Synopsis: Broadband ready communities. Establishes the broadband ready communities development center (center) within the Indiana economic development corporation to facilitate certain communications projects. Provides that the center may designate a unit of local government as a broadband ready community if the unit establishes a procedure to review applications and issue permits for the communications projects.

Effective: Upon passage.

Koch, Hale

January 8, 2015, read first time and referred to Committee on Utilities, Energy and Telecommunications.
January 22, 2015, amended, reported — Do Pass.

HB 1101—LS 7305/DI 103



January 23, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1101

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-28-28.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]:
- 4 **Chapter 28.5. Broadband Ready Communities Development**
- 5 **Center**
- 6 **Sec. 1. As used in this chapter, "center" refers to the broadband**
- 7 **ready communities development center established by section 5 of**
- 8 **this chapter.**
- 9 **Sec. 2. As used in this chapter, "permit" means any local, state,**
- 10 **or federal agency permit, license, certificate, approval,**
- 11 **registration, or similar form of approval required by statute,**
- 12 **administrative rule, regulation, ordinance, or resolution with**
- 13 **respect to a project.**
- 14 **Sec. 3. As used in this chapter, "project" means the construction**
- 15 **or deployment of wireline or wireless communications facilities to**

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1 provide communications services (as defined in IC 8-1-32.5-3) in a
2 unit.

3 Sec. 4. As used in this chapter, "unit" means a county, city, or
4 town.

5 Sec. 5. The broadband ready communities development center
6 is established within the corporation. The center has the following
7 duties:

8 (1) Providing comprehensive information concerning permits
9 required for projects and related business activities in Indiana
10 and making this information available to any person.

11 (2) Working with other state and local government offices,
12 departments, and administrative entities to encourage timely
13 and efficient issuance of permits and resolution of related
14 issues.

15 (3) Encouraging local and federal government agencies to
16 coordinate activities related to approving applications and
17 issuing permits for projects.

18 Sec. 6. (a) In addition to the duties set forth in section 5 of this
19 chapter, the center shall create a program to certify a unit as a
20 broadband ready community.

21 (b) A unit may apply for certification as a broadband ready
22 community. The application must be in a form and manner
23 prescribed by the corporation. The corporation shall approve an
24 application and certify a unit as a broadband ready community if
25 the corporation determines that the unit has:

26 (1) established a permit procedure that complies with section
27 7 of this chapter; and

28 (2) complied with any other requirements of the corporation.

29 Sec. 7. (a) A unit that wishes to be certified as a broadband
30 ready community must establish a procedure to review
31 applications and issue permits for projects. The procedure must
32 contain the following components:

33 (1) A single point of contact for all matters related to a
34 project.

35 (2) A guarantee that all applications related to a project will
36 be reviewed and either approved or rejected within ten (10)
37 business days after an application is submitted.

38 (3) An assurance that all inspections, including necessary
39 approvals, related to a project will occur in a timely and
40 expeditious manner.

41 (4) An authorization for all forms, applications, and
42 documentation related to a project to be filed and signed by



1 electronic means.

2 **(b) A procedure established under subsection (a) may not do the**
3 **following:**

4 **(1) Require an applicant to designate a final contractor to**
5 **complete a project.**

6 **(2) Impose a fee to review an application or issue a permit for**
7 **a project.**

8 **(3) Impose a seasonal moratorium on the issuance of permits**
9 **for a project.**

10 **(4) Discriminate among communications service providers or**
11 **utilities with respect to any action described in this section or**
12 **otherwise related to a project, including granting access to**
13 **public rights-of-way, infrastructure and poles, river and**
14 **bridge crossings, and any other physical assets owned or**
15 **controlled by the unit.**

16 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1101, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 36, delete "seven (7)" and insert "**ten (10) business**".

Page 2, line 37, delete "calendar".

and when so amended that said bill do pass.

(Reference is to HB 1101 as introduced.)

KOCH

Committee Vote: yeas 11, nays 0.

